

1905-048 Chancery Causes: William S. Sage vs Adms. of J. W. Glass & Co.  
Lee Co.

Robnett, Baker, Maness, Hickam, Duff

CA-Contract Dispute  
T-Property



To the Hon. H. A. W. Skeen, Judge of the  
Circuit Court for Lee County, Virginia.

Your Orator, William S. Sage,  
would respectfully represent; That  
on the 15<sup>th</sup> day of April 1898, he  
made, by parole, an exchange  
of certain lands with one  
J. M. Glass. The track your Orator  
exchanged for & in consideration of  
the track hereinafter described  
is described as follows, to-wit.  
all that certain track or parcel  
of land lying in Lee County  
Va near Stickleyville on the  
North side of Powell's Mountain &  
bounded as follows, to-wit Beginning  
at the Branch at the G. C. Duff  
land, thence up the branch to a  
marked Willow, thence to a marked  
Beech, thence to the Top of Powell's  
Mountain, thence West with the top  
of said Mountain to said Sage's  
West line, thence with Sage's west  
line to G. C. Duff's land, thence  
with G. C. Duff's land to the beginning,  
Containing about 60 acres more or less  
being the West end of a Track  
of land devised to your Orator  
by Samuel Sage by Will dated  
day of 18 & recorded in  
the Clerk's Office of the Lee County Court  
in Will Book No page



and reference is hereby made to said  
Will for a more particular description  
of said land from which said 60  
Acres is Taken, and the Track of land  
your Orator got in exchange for  
the above described land, from  
said J. W. Glass, is described as  
follows, to-wit: All that certain  
track of land lying in Lee County  
Va near Stickleyville, being the  
same land formerly owned by  
W. W. Sage & adjoining the lands  
of Sampson W. Sage & R. D. Young  
Containing about 90 acres more or less  
& reference is hereby made to the  
deed to W. W. Sage for a more  
particular description of said land  
& being the same land conveyed  
by Special Commissioner D. C. Sewell to  
said J. W. Glass, in the Chancery cause  
of A. L. Pridmore vs William W. Lamberth  
et al, by deed dated Nov 13<sup>th</sup> 1896 &  
reference is here made to said last named  
deed for a more particular description of  
said land.

Immediately after the date of the  
said contract of <sup>the</sup> exchange of said  
lands each of said parties took  
possession of their respective track  
acquired under said exchange & have  
held possession thereof ever since.



but no deeds of exchange have ever been executed between said parties for the lands exchanged as aforesaid.

Your Orator would further show your Honor that the said J. M. Glass departed this life intestate on the 15<sup>th</sup> day of Sept. 1900 and leaving surviving him a widow, Rebecca Glass, and the following his heirs at law, namely Rosa Fay Glass, who intermarried with William Robnett, Elizabeth Jane Glass, who intermarried with William Baker, Nancy Almedia Glass, Howard Harrison Glass, Henry Sherman Glass, Mary Josephine Glass, all of said heirs were then and are now infants under the age of 21 years. That the said Rebecca Glass, the widow, departed this life intestate on Oct 2<sup>d</sup> 1900, leaving surviving her, the same persons as her heirs at law; and that at the term of the County Court for Lee County Va. J. Howard Maness & John P. Glass qualified as the Administrators of the estate of the said J. M. Glass and gave bond as such as required by law.

Your Orator would state that he has been ready & willing at all times since said Court to make and



\* your brother alleges that the tract of land he sold to J. H. Hays is now owned by G. C. Duff. J. W. Hays before his death having sold it to one J. H. Hays, but without declared that J. H. Hays sold it to G. C. Duff without deed, and that since tract should be conveyed to Duff by your brother we he ed J. H. Hays and wife joining in the deed.

Only executed a deed to the said J. W. Glass or to his heirs for the said tract of land exchanged to him and ~~will~~ is now ready to do so & will file said deed herewith only executed to such parties as the Court may direct

The object of this Bill therefore is to specifically ~~perform~~ <sup>contract</sup> execute the said, or change of said lands and to extract the legal title from the said heirs of the said J. M. Glass dec'd for the tract of said land he got under said exchange & for this purpose to have a commissioner appointed to convey said land to him for & on the part of said heirs.

The prayer therefore of your orator is the said, Rosa Fay Robnett, and her husband, William Robnett, Elizabeth Jane Baker & her husband William Baker, Nancy Almida Glass, Howard Harrison Glass, Henry Sherman Glass, and Uncy Josephine Glass and J. Howard Mainer and John O. Glass administrators of J. W. Glass dec'd, be made parties to this Bill & be required to answer the same but not under oath that being waived, that a guardian ad litem be appointed to represent all the heirs of said J. W. Glass dec'd who are infants under the age of 21 years, that



the said contract of exchange of the said  
lands be specifically executed and  
the legal title to the lands your  
Orator acquired be extracted from  
the said Glass heirs and for this  
purpose a commissioner be appointed to  
make, execute & deliver to him a  
deed conveying to your orator the said  
tract of land he acquired under  
said exchange for & on the part of said  
that added he made legal consummation and other to J. C. B. Glass  
Glass heirs. That an order of publication  
be duly made, posted & published against  
the said Elizabeth Jane Baker and  
her husband, William Baker, who are  
non-residents of the state of Virginia  
And your Orator prays for all other,  
further & general relief as is agreeable  
to equity & the nature of this case re-  
quires. May supra issue &c  
and your Orator will ever pray &c

D. P. Sewell



William S. Sage

ds } Bills in chg - Comm

J. Howard Maness <sup>Ex al</sup> ~~Adm~~

Costs:

E. Clerk - \$7.33

M. Clerk - 6.53 Pd W. S. Sage

Atty. - 15.00

Shiff - 4.50

M. W. Ely 5.00

D. C. Sewell 5.00

G. A. L. 5.00 M & Ely

\$28.36



To the Honorable W.A.W. Sherr Judge of the  
circuit court of Lee County Va.

The joint answers of Rosa Fay, Robinett, Elizabeth  
J. Baker, Nancy A. Gloss, Howard H. Gloss, Henry S.  
Gloss and Wm J. Gloss, infants under the age of  
twenty one years, by M. G. Ely their Guardian  
ad Litem, assigned to defend them in this suit  
to a bill exhibited against them and others, by  
William S. Sage in the circuit court of Lee County,  
These respondents, saving all just exceptions etc -  
for answer to the said bill, say, that being  
infants, they submit their rights involved  
in the same to the protection of the court, and  
pray that no decree be entered that would  
prejudice their rights, And having answered  
they pray to be dismissed &c -

Rosa Fay Robinett, Elizabeth J.  
Baker, Nancy A, Howard H, Henry S.  
and Wm J. Gloss.

By M. G. Ely,

Guardian ad Litem

Sworn to before me by M. G. Ely - This  
June 24<sup>th</sup>, 1901 -

A. B. Munsey Clerk



William S. Sage Plff

vs. E. E. Gussner & M. L. Galy  
Executors ad Litem

J. H. Manssard et als

Filed in open Court and  
by leave thereof June  
4th 1901

A. B. Munsey Clerk

Fee \$5<sup>00</sup>



William S. Sage Plaintiff,

Against) In chancery,

J. Howard Maness, and others, Adms and others Defendants,

This cause came on this day to be heard upon the papers formerly read in the cause, the amended bill of the plaintiff, the report of ~~e~~ Commissioner D. C. Sewell and deed filed therewith, process duly executed on all the defendant, <sup>adult</sup>, to answer the amended bill, and answer of Guardian ad litem, for the <sup>infant</sup> defendants duly sworn to, and general replication thereto, and was argued by counsel:

On consideration of which said amended bill as to the adult defendants, is taken for confessed, they failing to answer plead and demur, and the said report and deed of Commissioner D. C. Sewell is approved and confirmed, and the said William S. Sage may withdraw the same for recordation; paying said commissioner \$5.00 for executing the same; and it appearing to the Court from the amended bill that the tract of land described in the proceedings, sold by plaintiff to J. W. Glass in his life time, was before his <sup>death</sup> sold to L. G. Glass, and by L. G. Glass sold to G. C. Duff, who now owns the same, but no deeds have yet passed between the parties; it is therefore adjudged ordered and decreed that M. G. Ely who is hereby appointed a commissioner for the purpose will make and execute to G. C. Duff a deed of special warranty on the part of the children and heirs at-law of J. W. Glass dec. and that the plaintiff, William S. Sage and wife and L. G. Glass and wife join in said deed with M. G. Ely Commissioner, with covenants of General warranty, so as to make title perfect and complete to G. C. Duff, and said deed having been made and filed by said Ely, seen and inspected by the court, is approved and confirmed as to said commissioner, and said deed may be withdrawn by said William S. Sage for the purpose of execution by him and L. G. Glass, and then to be delivered to G. C. Duff for recordation, and the said Duff will pay to M. G. Ely Commissioner the sum of \$5.00 for executing said deed; and the court doth further decree that the costs of this suit be borne equally by the plaintiff and the estate of J. W. Glass dec, to be taxed by the clerk, for which execution may issue in favor of the Officers of the Court, and nothing further remaining to be done this cause is stricken from the docket.



William S. Sage Pfr.  
vs { Deceitful -  
J. Howard Monier, Chas. W. Sage

Entered in C.O.B.  
No 8, page 93 &c.

Enter this

J. A. W. Sage

Dec. 14<sup>th</sup> 1905.



Wm S. Sage

vs

J. Howard Maness et al Admors.

On the calling of this cause and  
on motion of Counsel for the Plaintiff  
to amend his Bill making other  
persons party defendants thereto and  
it appearing proper to the Court  
said Plaintiff is granted leave  
to amend his Bill making such  
parties as he is advised proper party  
defendants. And this cause is re-  
manded to Rules ~~to be set~~ for said  
~~amended~~ amendments to be matured.



Wm S. Sage

vs Deuce

J. Howard Manners et al <sup>Advers.</sup>

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Env. C.B. No. 7,

page, 484.

Enter this

H. C. W. Stone

May 23<sup>d</sup>/904.

Wm S. Sage



Wm S. Sage

against

J. Howard Munnis et al at law.

Upon the calling of this cause  
on motion of the Plaintiff  
leave is hereby granted him  
to amend his Bill making  
other and necessary parties  
thereto and said cause  
is hereby remanded to rules  
for next said term and  
maturing same at  
rules.



Wm S. Sage

as of Dec 1

J. Howard Mansel <sup>Admrs.</sup> et al

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Entered on July

1873 No 7 P 265-

Enter this

Nov 9th 1903

J. A. W. Stearns

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William S. Sage Plff.

against

J. Howard Manner Advers et al

} In chancery

On motion of the Plaintiff, M. G. Ely is appointed guardian ad litem to answer for the infant defendants and on his motion filed their said answer in open court and by leave thereof. And this Cause coming on to be heard upon the Bill of the Plaintiff, process duly served and accepted by the adult defendants and the answer of Rosa Fay ~~Robinet~~ Robinett, formerly Glass, Elizabeth J. Baker formerly Glass, <sup>Walter Alvin Glass,</sup> Howard Harrison Glass, <sup>H.</sup> Henry Sherman Glass, Mary Josephine Glass infant defendants and heirs at law of J. M. Glass, dec'd, by M. G. Ely their guardian ad litem and general replication thereto and was argued by counsel. On consideration whereof, it appearing that the adult defendants have failed to appear, demur to, plead or answer said Bill it is taken for confessed as to them and it appearing to the Court that there was a verbal exchange of land between the plaintiff and J. M. Glass in his life time as alleged in the Bill and that no deeds were ever executed between them, and that said contract of exchange should be specifically executed, it is therefore adjudged, ordered and



decreed that D.C. Sewell who is hereby appointed a Commissioner for the purpose, do make and execute a deed upon the part of the heirs at law of J. M. Glass, dec'd, namely Rosa Fay Robinett, William Robinett, her husband, Elizabeth Jane Baker William Baker, her husband, Nancy Almeda Glass, Howard Harrison Glass, Henry Sherman Glass and Mary Josephine Glass conveying to the plaintiff, William S. Sage, the land in the Bill mentioned, being the land devised to the said plaintiff by Samuel Sage, by metes and bounds as in the Bill set out, with covenants of special warranty but to operate as general warranty against the said heirs of the said J. M. Glass, dec'd, and file the same in the papers of this cause to be delivered when the said plaintiff duly executes and delivers to the Administrators of said Glass, a and with general warranty conveying to the said heirs of J. M. Glass, dec'd, the land exchanged to the said Glass in his life time. And said Court ~~will~~ will report his action to the next term of this Court & the cause is continued.



William S. Sage

vs } beue

shall

J. Howard Mance <sup>Adm</sup>

Entered on CCB  
Nov. P. 5-76.

Enter this

Hawkins

June 7<sup>th</sup> / 90 /



W. S. Sage dropped with Wes Glass —  
Wes Glass let ~~Dr. G.~~ Glass —  
Now to Granville Duff —

~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~



The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon Rosa Fay Robinett and her husband William Robinett, Elizabeth Jane Baker and her husband William Baker, Nancy Almedie Glass, Howard Harrison Glass, Henry Sherman Glass, Mary Josephine Glass heirs at law of J. M. Glass deceased, and J. Howard Maness and John P. Glass Administrators of the estate of J. M. Glass deceased.

to appear at the Clerk's office of the Circuit Court of the County of Lee at the rules to be held for the said Court, on the 3rd Monday in February 1881, to answer a bill in chancery, exhibited against them in our said Court for by William S. Sage

And have then there this writ. Witness, A. B. Munsey, Clerk of our said Court, at the court-house, the 15th day of February 1881, and in the 12th year of the Commonwealth.

A. B. Munsey Clerk

A Copy

Listed, A. B. Munsey Clerk



Form No. 300.

*vs.*

}

SUBPOENA  
IN  
CHANCERY.

*p. q.*

*To* ..... *Rules,*

*Court.*



The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon Rosa Fay Robinett and her husband William Robinett, Elizabeth Jane Baker and her husband William Baker, Nancy Almedie Glass, Howard Harrison Glass, Henry Sherman Glass, Mary Josephine Glass heirs at law of J. M. Glass deceased and J. Howard Maness and John P. Glass Administrators of the estate of J. M. Glass, deceased

to appear at the Clerk's office of the Circuit Court of the County of Lee at the rules to be held for the said Court, on the 3<sup>rd</sup> Monday in February 1901, to answer a bill in chancery, exhibited against them in our said Court for by William S. Sage

And have then there this writ. Witness, A. B. Munsey, Clerk of our said Court, at the court-house, the 15<sup>th</sup> day of February 1901, and in the 12<sup>5<sup>th</sup></sup> year of the Commonwealth.

A. B. Munsey Clerk



*Jpm. S. Sage*

US.

SUBPOENA  
IN  
CHANCERY.

*J. Howard Manes et al.* <sup>Admrs</sup>

*D. L. Sewell* p. q.

To *2nd Feby* Rules,  
*Circuit* Court.

We accept legal service  
of the within summons  
this the 15<sup>th</sup> day of Feby  
1901.

*J. H. Manes*  
*J. P. Glass* <sup>Admrs</sup>  
*Wm. Rabinowitz*  
*W. P. Baker*



The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon Rosa Fay Robinett and her husband William Robinett, Elizabeth Jane Baker and her husband William Baker, Nancy Almedia Glass, Howard Harrison Glass, Henry Sherman Glass, Mary Josephine Glass heirs at law of J. M. Glass deceased and J. Howard Ware and John P. Glass Administrators of the estate of J. M. Glass deceased

to appear at the Clerk's office of the Circuit Court of the County of Lee at the rules to be held for the said Court, on the 3rd Monday in February 1901 to answer a bill in chancery, exhibited against them in our said Court for by William S. Sage

And have then there this writ. Witness, A. B. Munsey, Clerk of our said Court, at the court-house, the 15th day of February 1901, and in the 125th year of the Commonwealth.

A. B. Munsey Clerk

Teste: A. B. Munsey Clerk

A Copy



*vs.*

}

SUBPOENA  
IN  
CHANCERY.

*p. q.*

*To*

*Rules,*

*Court.*



The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon Rosa Fay Robinett, Wm. Robinett, Elizabeth  
Jane Baker, William Baker, Nancy Almedia Hickam, D. H. Hickam, Howard  
Harrison Glass, Henry Therman Glass, Una Josephine Glass, heirs at law  
of J. W. Glass, dec'd, L. G. Glass and Granville Duff,

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on  
the 1st Monday in September, 1905, to answer an amended bill in chancery exhibited against them  
in our said Court, by William F. Sage,

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the 19th  
day of August, 1905, and 130th year of the Commonwealth.

A Copy, Teste:

H. C. T. Ewing, Clerk.

\_\_\_\_\_, Clerk.



William F Sage

VS

}

SUBPOENA  
IN  
CHANCERY.

Rosa Tay Robnett  
et-al

D.C. Surull p. q

Cost \$4 50

To 1<sup>st</sup> Sept- Rules.

Lee Circuit- Court.  
1905-

Executed by delivering  
a true copy of the  
within notice. This  
the 30 of August  
1906, H.B. Short  
nine copies \$4.50/D.S.

Cost 4 50